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Convention on the Elimination of All Forms of Discrimination against Women

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Item 8 of the provisional agenda*

Ways and means of expediting the work of the Committee

Report by the Secretariat

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* CEDAW/C/1999/I/1.

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I. Introduction

1. The present report[1] addresses a number of issues raised by the Committee on the Elimination of Discrimination against Women (CEDAW) in discussions held during its nineteenth session (22 June to 10 July 1998). These include:

(a) The working methods of the pre-session working group;

(b) The Human Rights Committee's guidelines for the exercise of functions by members;[2]

(c) Issues relating to receipt of reports by experts;

(d) Relations with specialized agencies and other United Nations entities.

2. The report also contains:

(a) Relevant issues considered at the tenth meeting of persons chairing the human rights treaty bodies, held at Geneva from 14 to 18 September 1998;

(b) Relevant recommendations of the Subcommission on Prevention of Discrimination and Protection of Minorities;

(c) Possible actions by the Committee to mark the twentieth anniversary of the adoption by the General Assembly of the Convention on the Elimination of All Forms of Discrimination against Women in 1979.

Recommendations for the Committee to consider in regard to ways and means of expediting its work are highlighted throughout the report.

3. A list of States parties whose reports are more than five years overdue is contained in annex I. As requested by the Committee at earlier sessions, the report also contains a list of States parties whose reports are to be considered in order of receipt, taking into account geographical balance (see annex II). The report also contains the procedures and format for the elaboration of concluding comments, adopted by the Committee at its nineteenth session[3] (annex III).

4. Under agenda item 8, the Committee will finalize its report to the Commission on the Status of Women, providing information on the implementation of the Platform for Action based on its review of reports of States parties.[4]

II. Pre-session working group

5. At its nineteenth session, the Committee decided that the pre-session working group for the twenty-first session would meet as a third working group during the twentieth session and would remain, if necessary, for up to three days after the twentieth session, in order to consolidate the lists of issues and questions regarding the periodic reports to be considered at its twenty-first session.[5] The pre-session working group for the twenty-first session should be treated in the same way as all other pre-session working groups, including with respect to input from specialized agencies and other bodies of the United Nations and non-governmental organizations.

6. The Committee decided to continue its practice of assigning three members, including the designated country rapporteur, who should each be drawn from different regions, to provide questions relating to periodic reports to guide the pre-session working group as it draws up the list of issues and questions relating to periodic reports.

7. In its decision 19/III, the Committee requested the Secretariat to provide draft lists of issues and questions with regard to periodic reports which would be sent in advance of the meeting of the pre-session working group to those Committee members designated as country rapporteurs.

8. Recommendation: the Committee may wish to assess and further refine these working methods and, *inter alia*, identify further assistance that might be provided by the Secretariat, including analysis of reports, taking account of the practice of other treaty bodies in this regard.

III. Guidelines of the Human Rights Committee

9. At its eighteenth session, in its decision 18/III, CEDAW reaffirmed its past practice that "members of the Committee should refrain from participating in any aspect of the consideration of the reports of the States parties of which they were nationals in order to maintain the highest standards of impartiality, both in substance and appearance".[6] At its nineteenth session, CEDAW decided that this decision should be made widely known, in particular to those States parties whose nationals are members of the Committee at the time those States are presenting their reports. It also decided that the Chairperson of the Committee should make this decision, as well as the procedures of the Committee, known to new members.

10. At its nineteenth session, the Committee also decided that the guidelines of the Human Rights Committee for the exercise of functions by members should be discussed by Working Group I at the twentieth session of the Committee, if the programme of work of the Committee permits.

11. Recommendation: the Committee may wish to propose that the guidelines of the Human Rights Committee, with any comments by the Committee on the Elimination of Discrimination against Women, be circulated by the Chairperson of the Committee to new members after each election.

IV. Receipt of reports by experts

12. At its nineteenth session, the Committee decided that the Secretariat should make its best efforts to ensure early receipt of reports, including through the use of electronic means of communication.

13. Recommendation: the Committee may wish to provide the Secretariat with guidance in respect of this recommendation, taking into account the availability of reports in United Nations languages and the timing of the responses of States parties with respect to invitations to present their reports.

V. Relations with specialized agencies and other United Nations entities

14. At its eighteenth session, in January 1998, the Committee decided that representatives of the specialized agencies and bodies of the United Nations should be invited to provide country-specific information to the pre-session working group on those States parties whose reports were before the group. It also decided that representatives of the specialized agencies and bodies of the United Nations should be invited to address the Committee as a whole in a closed meeting on those States parties whose initial reports were before the Committee.[7]

15. At its sixteenth session, the Committee expressed the wish that the input of specialized agencies into its work be more structured and country-specific.[8]

16. Recommendation: the Committee may wish to consider the elaboration of guidelines for the use of specialized agencies and other entities in this regard.

VI. Tenth meeting of persons chairing human rights treaty bodies

17. The tenth meeting of persons chairing the human rights treaty bodies was convened at Geneva from 14 to 18 September 1998, pursuant to General Assembly resolution 52/118 of 12 December 1997. The report of the meeting,[9] which has been made available to Committee members, raises a number of issues pertinent to the work of the Committee.

18. The chairpersons expressed appreciation for the increasing cooperation between the Subcommission on Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination and recommended that the expertise of the treaty bodies in general should be increasingly drawn upon by the Subcommission in its preparation of future studies.

19. The chairpersons re-emphasized the importance of the work of the special rapporteurs and representatives, experts and chairpersons of working groups and underlined the utility of and the need for easy access to the reports of other existing United Nations mechanisms so as to improve the work of the human rights treaty bodies. They recommended that ways to improve the communication and information flow between the various United Nations mechanisms should be explored and they endorsed the conclusion reached at the fifth meeting of special rapporteurs that the current practice of rapporteurs occasionally participating in meetings of treaty bodies should be institutionalized. The chairpersons also agreed to hold their eleventh meeting to coincide with the meeting of special rapporteurs and representatives, experts and chairpersons of working groups.

20. Recommendation: the Committee may wish to consider the implications of these recommendations for its work.

21. The chairpersons reiterated their view that universal ratification of the six principal human rights treaties constituted an essential dimension of a global order committed to full respect for human rights (A/53/125, paras. 13–16). They recommended that the Office of the United Nations High Commissioner for Human Rights develop a concerted and comprehensive action programme to promote universal ratification in cooperation with specialized agencies and United Nations funds and programmes, in particular the United Nations Development Programme, and report to the chairpersons at their eleventh meeting on the action taken in this regard.

22. Recommendation: the Committee may wish to consider this recommendation, particularly in the context of the twentieth anniversary of the adoption of the Convention, and make concrete suggestions for action with respect to the achievement of universal ratification.

23. The chairpersons reiterated their view that it was desirable to strive for focused periodic reports which would examine a limited range of issues which might be identified

by the relevant treaty body in advance of the preparation of the report. The chairpersons noted that such an approach would greatly reduce the need for very lengthy reports, minimize duplication of reports, help to eliminate long delays between the submission and the examination of reports, allow problem areas to be dealt with in depth and facilitate the follow-up of concluding observations, both for the State party and for the committee concerned.

24. Recommendation: the Committee may wish to consider the issue of focused reports in relation to its own work and in preparation of the eleventh meeting of the persons chairing the human rights treaty bodies.

25. The chairpersons continued their discussion of the preliminary conclusions adopted by the International Law Commission at its forty-seventh session relating to reservations to normative multilateral treaties and noted the third report on reservations to treaties submitted by Mr. Alain Pellet, Special Rapporteur, to the Commission at its fiftieth session, in 1998. The chairpersons took note of the report of the Secretary-General reflecting the views of the six human rights treaty bodies on the preliminary conclusions of the International Law Commission,[10] which has been made available to Committee members. They agreed to pursue the consideration of the preliminary conclusions in their respective committees with a view to formulating their comments and forwarding them to the International Law Commission.

26. Recommendation: in addition to its statement on reservations to the Convention on the Elimination of All Forms of Discrimination against Women,[11] which has been submitted to Mr. Pellet, the Committee may wish to formulate comments on the preliminary conclusions.

27. The chairpersons considered a report reviewing the integration of a gender perspective into the work of the United Nations human rights treaty bodies.[12] The report, which has been made available to Committee members, was strongly endorsed by the chairpersons and called upon each of the committees to take full account of the recommendations contained in the report within the framework of their respective mandates.

28. Recommendation: the Committee may wish to consider future action to assist in integration of a gender perspective in other treaty bodies based on those identified in the report.

VII. Subcommission on Prevention of Discrimination and Protection of Minorities

29. At its fiftieth session, in August 1998, the Subcommission on Prevention of Discrimination and Protection of Minorities adopted resolution 1998/15 on women and the right to land, property and adequate housing. In the resolution, the Committee on the Elimination of Discrimination against Women was invited to pay special attention to women's rights to land, property and an adequate standard of living, including adequate housing, when examining the reports of States parties and to explore the possibility of adopting a general recommendation on this theme as it relates, *inter alia*, to the provisions of article 14 of the Convention with a view to clarifying the obligations of States parties to the Convention in this respect.

30. In resolution 1998/19 on the report of the Working Group on Contemporary Forms of Slavery, the Subcommission invited the Committee on the Elimination of Discrimination against Women to elaborate general recommendations to clarify reporting procedures with regard to the trafficking in persons and related practices of sexual exploitation. It also recommended that, in examining the periodic reports of States parties, the Committee should pay particular attention to the implementation of article 6 and include an item in its guidelines relating to contemporary forms of slavery.

31. Recommendation: the Committee may wish to consider these suggestions, including in the context of its long-term programme relating to general recommendations.

32. Also during its fiftieth session, the Subcommission requested one of its members, Ms. Françoise Jane Hampson, to prepare a working paper on the question of reservations to human rights treaties, to be submitted at its fifty-first session.

33. Recommendation: the Committee may wish to provide Ms. Hampson with inputs to assist in the preparation of this working paper.

VIII. Twentieth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women

34. The Convention was adopted and opened for signature, ratification and accession by the General Assembly in its resolution 34/180 of 18 December 1979. Accordingly, 1999 will mark the twentieth anniversary of the adoption of the Convention. The Committee may wish to consider ways and means of marking this important anniversary, for example, initiatives to encourage universal ratification or modification or removal of reservations. A panel discussion with high-level participants on the importance and the impact of the Convention at the national level, which could take place during the twenty-first session of the Committee in June/July, might also be appropriate.

35. The year 1999 will also mark the tenth anniversary of the adoption of the Convention on the Rights of the Child.[13] The Committee may wish to consider whether it might be appropriate to recall this anniversary in the commemoration of that of the Convention on the Elimination of All Forms of Discrimination against Women.

36. Recommendation: the Committee may wish to consider and make proposals with respect to the twentieth anniversary of the Convention to be commemorated in 1999.

IX. Reports to be considered at the twenty-first, twenty-second and twenty-third sessions

37. At its seventeenth session, the Committee adopted decision 17/II, in which it decided that "the maximum number of reports to be considered at each session will normally be eight, drawn from a proposed list of up to ten countries".[14] At its nineteenth session, the Committee proposed a list for the twenty-first and twenty-second sessions. The Committee may wish to review its proposed list for the twenty-second session and, in drawing up the list for the twenty-third and twenty-fourth sessions, it may wish to take account of annex II, which indicates the reports of States parties that are available, particularly those available in the official languages of the United Nations.

Notes

[1] At its twelfth session, the Committee on the Elimination of Discrimination against Women decided that the Secretariat should prepare a report on ways and means of improving the work of the Committee every year (*Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38* (A/48/38), para. 632). Pursuant to General Assembly resolution 51/68 of 12 December 1996, in which the Assembly authorized the Committee to hold two sessions annually, the Secretariat has provided the Committee with a report on ways and means for each session.

[2] CCPR/C/63/CRP.2/Add.2.

[3] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38* (A/53/38/Rev.1), para. 397.

[4] General Assembly resolution 52/231.

[5] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38* (A/53/38/Rev.1), part two, chap. I, sect. B, decision 19/I.

[6] Ibid., part I, para. 441.

[7] Ibid., chap. I, sect. A, decisions 18/I and 18/II.

[8] Ibid., *Fifty-second Session, Supplement No. 38* (A/52/38/Rev.1), para. 365.

[9] A/53/432, annex.

[10] E/CN.4/Sub.2/1998/25.

[11] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38* (A/53/38/Rev.1), part two, chap. I., sect. A.

[12] HRI/MC/1998/6.

[13] General Assembly resolution 44/25 of 20 November 1989.

[14] *Official Records of the General Assembly, Fifty-second Session, Supplement No. 38* (A/52/38/Rev.1), part two, chap. I, sect. B.

Annex I

States parties whose reports are more than five years overdue

State party	*Date due*

A. Initial reports

Angola	17 October 1987
Benin	11 April 1993
Bhutan	30 September 1982
Brazil	2 March 1985
Burundi	7 February 1993
Cape Verde	3 September 1982
Central African Republic	21 July 1992
Congo	25 August 1983
Costa Rica	4 May 1987
Dominica	3 September 1982
Estonia	20 November 1992
Grenada	29 September 1991
Guinea	8 September 1983
Guinea-Bissau	22 September 1986
Haiti	3 September 1982
Lao People's Democratic Republic	13 September 1982
Latvia	14 May 1993
Liberia	16 August 1985
Malta	7 April 1992
Saint Kitts and Nevis	25 May 1986
Saint Lucia	7 November 1983
Samoa	25 October 1993
Seychelles	4 June 1993
Sierra Leone	11 December 1984
Togo	26 October 1984
Trinidad and Tobago	11 February 1991

B. Second periodic reports

Angola	17 October 1991
Bhutan	30 September 1986

State party	*Date due*
Brazil	2 March 1989
Cape Verde	3 September 1986
Costa Rica	4 May 1991
Dominica	3 September 1986
Gabon	20 February 1988
Guinea	8 September 1987
Guinea-Bissau	22 September 1990
Guyana	3 September 1986
Haiti	3 September 1986
Lao People's Democratic Republic	13 September 1986
Liberia	16 August 1989
Malawi	11 April 1992
Mali	10 October 1990
Saint Kitts and Nevis	25 May 1990
Saint Lucia	7 November 1987
Sierra Leone	11 December 1993
Togo	26 October 1988
Viet Nam	19 March 1987

C. Third periodic reports

Bhutan	30 September 1990
Brazil	2 March 1993
Cape Verde	3 September 1990
Congo	25 August 1991
Dominica	3 September 1990
El Salvador	18 September 1990
France	13 January 1993
Gabon	20 February 1992
Guatemala	11 September 1991
Guinea	8 September 1991
Guyana	3 September 1990
Haiti	3 September 1990
Kenya	8 April 1993
Lao People's Democratic Republic	13 September 1990
Liberia	16 August 1993

State party	*Date due*
Mauritius	8 August 1993
Mongolia	3 September 1990
Saint Lucia	7 November 1991
Sri Lanka	7 November 1990
Togo	26 October 1992
Viet Nam	19 March 1991

Annex II

States parties whose reports have been submitted but have not yet been considered by the Committee

State party	*Date due*	*Date received*	*Document symbol*
A. Initial reports			
Belize[a, c]	15 September 1991	19 September 1996	CEDAW/C/BLZ/1–2
Democratic Republic of the Congo[a, b, c]	16 November 1987	1 March 1994	CEDAW/C/ZAR/1
Georgia[c]	25 November 1985	9 March 1998	CEDAW/C/GEO/1
Jordan	31 July 1993	27 October 1997	CEDAW/C/JOR/1
Nepal	22 May 1992	16 November 1998	CEDAW/C/NPL/1
Republic of Moldova	3 July 1995	26 October 1998	CEDAW/C/MDA/1
B. Second periodic reports			
Belize[a, c]	15 June 1995	19 June 1996	CEDAW/C/BLZ/1–2
Burkina Faso[a]	13 November 1992	11 December 1997	CEDAW/C/BFA/2–3
Chile[a, c]	6 January 1995	9 March 1995	CEDAW/C/CHI/2
Democratic Republic of the Congo[a, b, c]	16 November 1991	24 October 1996	CEDAW/C/ZAR/2
Equatorial Guinea[a]	22 November 1989	6 January 1994	CEDAW/C/GNQ/2–3
Germany	9 August 1990	8 October 1996	CEDAW/C/DEU/2–3
Iraq	12 September 1991	13 October 1998	CEDAW/C/IRQ/2–3
Ireland[c]	22 January 1991	6 February 1997	CEDAW/C/IRL/2–3
Jamaica	18 November 1989	17 February 1998	CEDAW/C/JAM/2–4
Uruguay	8 November 1986	3 February 1998	CEDAW/C/URY/2–3
C. Third periodic reports			
Austria	30 April 1991	25 April 1997	CEDAW/C/AUT/3–4
Belarus	3 September 1990	1 July 1993	CEDAW/C/BLR/3
Belgium	9 September 1994	29 September 1998	CEDAW/C/BEL/3–4
Democratic Republic of the Congo[a, b, c]	16 November 1995	2 July 1998	CEDAW/C/XXX/3
Egypt[c]	18 October 1990	30 January 1996	CEDAW/C/EGY/3
Equatorial Guinea[a]	22 November 1993	6 January 1994	CEDAW/C/GNQ/2–3
Finland	4 October 1995	28 January 1997	CEDAW/C/FIN/3
Germany	9 August 1994	8 October 1996	CEDAW/C/DEU/2–3
Iceland	3 July 1994	15 July 1998	CEDAW/C/ICE/3–4
Iraq	12 September 1995	13 October 1998	CEDAW/C/IRQ/2–3
Ireland[c]	22 January 1995	7 August 1997	CEDAW/C/IRL/2–3
Jamaica	18 November 1993	17 February 1998	CEDAW/C/JAM/2–4
Luxembourg	4 March 1998	12 March 1998	CEDAW/C/LUX/3
Spain[a, c]	4 February 1993	20 May 1996	CEDAW/C/ESP/3
United Kingdom of Great Britain and Northern Ireland[a, c]	7 May 1995	16 August 1995 8 August 1997	CEDAW/C/UK/3 CEDAW/C/UK/3/Add.1
Uruguay	8 November 1990	3 February 1998	CEDAW/C/URY/2–3

State party	*Date due*	*Date received*	*Document symbol*
Yugoslavia	28 March 1991	14 October 1998	CEDAW/C/YUG/3
D. Fourth periodic reports			
Austria	30 April 1995	25 April 1997	CEDAW/C/AUT/3–4
Belgium	9 September 1998	29 September 1998	CEDAW/C/BEL/3–4
Denmark	21 May 1996	9 January 1997	CEDAW/C/DEN/4
Germany	9 September 1998	27 October 1998	CEDAW/C/DEU/4
Iceland	3 July 1998	15 July 1998	CEDAW/C/ICE/3–4
Jamaica	18 November 1997	17 February 1998	CEDAW/C/JAM/2–4
Japan	25 July 1998	24 July 1998	CEDAW/C/JPN/4
Nicaragua	26 November 1994	16 June 1994	CEDAW/C/NIC/4
Spain[a]	4 February 1997	20 October 1998	CEDAW/C/ESP/4
Sweden	3 September 1994	21 May 1996	CEDAW/C/SWE/4

[a] Report has been translated, reproduced and made available in all official languages.

[b] By a communication dated 20 May 1997, the Secretariat was informed by the Member State formerly known as Zaire that the name of the State had been changed to the Democratic Republic of the Congo.

[c] Report to be considered by the Committee at its twenty-first session, to be held in New York in June 1999.

Annex III

Procedures and format for the elaboration of concluding comments

1. The Committee designates from among its members a country rapporteur for the report of each State party.

2. Assisted by the Secretariat, the country rapporteur seeks additional information on the situation of women in the State party under review. The findings of the country rapporteur are presented as a briefing on the report at a closed meeting before the State party's presentation. In the case of periodic reports, the rapporteur's report is sent in advance to the pre-session working group.

3. The Committee holds a closed meeting after the constructive dialogue to consider the main issues and trends to be reflected in the concluding comments relating to the report of the State party. Concluding comments drafted thereafter reflect only the views expressed at the meetings during which the report is presented and not the views of the individual country rapporteurs.

4. The expert nominated as the country rapporteur drafts concluding comments in close collaboration with the general rapporteur of the Committee and with the support of the Secretariat.

5. Concluding comments are preceded by a summary of the State party's presentation, which is prepared by the Secretariat.

6. Concluding comments usually follow a standard format under four headings: introduction; positive aspects; factors and difficulties affecting the implementation of the Convention; principal areas of concern and recommendations.

7. The introduction contains comments on whether the report has followed the Committee's guidelines for the preparation of the initial and periodic reports; whether it was sufficient or insufficient; whether it incorporates or refers to statistical information disaggregated by sex. It also contains the Committee's general recommendations. Issues addressed in this section are: whether there are any reservations to the Convention; whether reservations have been withdrawn; whether the State party has objected to the reservations of other States parties; and whether the State party has mentioned the implementation of the Beijing Platform for Action, as well as the nature and relevance of the oral presentation. An objective indication of the strengths of the report and the strength of the delegation is generally included.

8. The "positive aspects" section is organized in the order of the articles of the Convention.

9. The "factors and difficulties" section describes major overarching reasons why the Convention has not been implemented fully by the State party. Any reservations to the Convention are also addressed in this section, as are other legal impediments to the implementation of the Convention.

10. The "principal areas of concern and recommendations" section organizes the issues of particular importance to the country under review in the order of their importance and provides concrete proposals from the Committee on the problems identified in the rest of the comments.

11. The concluding comments include a reference to any commitments that the State party made at the Fourth World Conference on Women.

12. Where appropriate, the concluding comments include specific suggestions to the State parties with regard to possible technical assistance from the Office of the United Nations High Commissioner for Human Rights and other parts of the United Nations system. Recommendations relating to technical assistance could, for example, be directed to reservations, review of legislation and law reform.

13. Concluding comments close with a recommendation relating to dissemination, requesting the wide dissemination of the concluding comments in the State party concerned, in order to make the people in the State party, and particularly its government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in that regard. It also requests the State party to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.

14. Each concluding comment is internally balanced, and the Committee strives to achieve consistence and balance, particularly in terms of praise and expressions of concern, among the concluding comments elaborated at each session. Accordingly, the Committee considers concluding comments comparatively in an effort to ensure that they are even.[a]

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[a] *Official Records of the General Assembly, Fifty-third Session , Supplement No. 38* (A/53/38/Rev.1), part two, para. 397.